



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 4629-00
22 January 2001

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 January 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 9 February 1998 at the age of 21. Your record reflects that you served for a year and four months without incident, but on 3 June 1999 you received nonjudicial punishment (NJP) for absence from your appointed place of duty, larceny, and wrongful appropriation. The punishment imposed was a \$1,075.80 forfeiture of pay, reduction to paygrade E-1, and restriction and extra duty for 45 days. Subsequently, it appears that you were processed for an administrative separation action by reason of misconduct. Apparently, the discharge authority directed a general discharge under honorable conditions by reason of misconduct due to commission of a serious offense. The record clearly shows that on 30 September 1999 you were so discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contentions that your discharge, narrative reason for separation, and reenlistment are unjust and that you were not given any assistance from your

chain-of-command. However, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge or a change of your narrative reason for separation or reenlistment code given the serious nature of your misconduct. An individual separated for misconduct normally is discharged under other than honorable conditions, so you were fortunate to receive a general discharge. Furthermore, you could have received a punitive discharge had you been tried and convicted of larceny and wrongful appropriation. Finally, an individual separated by reason of misconduct must receive an RE-4 reenlistment code. The Board noted that there is no evidence in the record, and you submitted none, to support your contentions.

Given all the circumstances of your case, the Board concluded your discharge, narrative reason for separation, and reenlistment code were proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director